THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.8388 of 2007

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Date: 23.04.2007

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Between:
The Hindustan Shipyard Staff
Cooperation Building Society Limited.

....Petitioner

and

The Government of A.P. and another.

....Respondents

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O R D E R:

Petitioner-society is said to have purchased an extent of Acs.36.48 cents in Sy.Nos.164/1, 164/1A, 164/2, 164/3, 163/3A, 1666 and 168/B of Vepagunta Village, Pendurthi Mandal, Visakhapatnam District. The said land was divided into plots and the same were allotted to its members, through sale deeds. According to it, the said documents were presented before the second respondent for registration. The grievance of the petitioner is that the second respondent issued a letter, dated 22.07.2006, informing that the documents cannot be registered, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said survey numbers. The petitioner challenges the same in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the second respondent to receive and process the documents presented by the petitioner-society or its members and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

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23.04.2007

Note: Issue c.c. in three days.
(B/o)
kdl

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77